

JOHN E. SMITH
NICK K. BROOKE
SMITH & STEPHENS, P.C.
315 West Pine Street
Missoula, Montana 59802
Phone: (406) 721-0300
Fax: (406) 721-5370
john@smithstephens.com
nick@smithstephens.com

FILED
JAN 07 2020
By Tom Powers, Clerk
Deputy Clerk

DV-19-452

Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

FX SOLUTIONS, INC.

Plaintiff,

vs.

MATTHEW BRENT GOETTSCHKE,

Defendant.

Cause No. _____

NOTICE OF REMOVAL

TO: FX Solutions, Inc., Plaintiff, and its attorney Kris A. McLean, Kris A. McLean Law Firm, PLLC, and Tom Powers, Clerk of Court, Montana Second Judicial District Court, Butte-Silver Bow County.

Defendant Matthew Brent Goettsche (Defendant) respectfully avers:

1. On December 26, 2019, Plaintiff commenced an action against Defendant in the Montana Second Judicial District Court, Butte-Silver Bow County, entitled *FX Solutions, Inc., Plaintiff, v. Matthew Brent Goettsche, Defendant*, Cause Number DV-19-452. Plaintiff emailed an unsigned copy of the Complaint to

Counsel for Defendant on December 30, 2019. Plaintiff has not yet effectuated service of the Summons and Complaint on Defendant. A copy of the Complaint is attached hereto as Exhibit A.

2. The Complaint alleges four claims of Breach of Contract and one claim of Actual and Constructive Fraud related to investments in Bitcoin mining facilities. Plaintiff through counsel has alleged damages of “not less than \$10 million.” Complaint at ¶ 40.

GROUND FOR REMOVAL

3. At the time this action was commenced, Plaintiff FX Solutions, Inc. is a corporate entity registered to do business in Montana, with its principal office and Registered Agent in Missoula, Montana. Complaint at ¶ 1, Montana Secretary of State’s Office, accessed 01/07/20 at 1:50pm MST https://www.mtsosfilings.gov/mtsos-corporations/viewInstance/view.html?id=8383adccf3cbf69372998a953a344618d03b5c677b542c0a7e59b3cf97810e88&_timestamp=7237776108012324.

4. At the time this action was commenced, Defendant was and is a resident of the State of Colorado. Complaint at ¶ 3.

5. The above described action is one in which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332, and is one which may be removed to this Court by the Defendant herein, pursuant to the provisions of 28 U.S.C. § 1441 in that it is a civil action wherein the matter in controversy exceeds

the sum or value of Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interest and costs, and is between entities and citizens of different states.

PROCEDURAL REQUIREMENTS

6. This Notice of Removal is timely under 28 U.S.C. § 1446(b)(1) because it is filed within 30 days of receipt of a copy of the initial pleading setting forth the claim for relief upon which the state court action is based.

7. The Defendant may remove this case to federal court pursuant to 28 U.S.C. § 1441(a).

8. The removal is to the proper district court and division pursuant to 28 U.S.C. §§ 1441(a) and 1446(a) because the United States District Court for the District of Montana, Butte Division, is the federal judicial district that embraces the Montana Second Judicial District Court, Butte-Silver Bow County, where the state court action is pending.

9. Defendant is the sole defendant named in this action.

10. After filing this Notice of Removal, Defendant will promptly serve written notice of this Notice of Removal on counsel for the adverse party and file the same with the Clerk of the Montana Second Judicial District Court in accordance with 28 U.S.C. §§ 1446(a) and 1446(d).

11. True and correct copies of all known process, pleadings, and orders

pending in the Montana Second Judicial District Court are attached hereto as Exhibit

B.

NON-WAIVER OF DEFENSES

12. By removing this action from the Montana Second Judicial District Court, Defendant does not waive and expressly reserves any and all rights, defenses, privileges and objections available to him.

13. By removing this action from the Montana Second Judicial District Court, Defendant does not admit any of the allegations in Plaintiff's complaint.

WHEREFORE, Defendant prays that the action now pending against him in the Montana Second Judicial District Court, Butte-Silver Bow County, entitled *FX Solutions, Inc., Plaintiff, v. Matthew Brent Goettsche, Defendant.*, Cause Number DV-19-452, be removed therefrom to this Court.

RESPECTFULLY SUBMITTED this 7th day of January, 2020.

SMITH & STEPHENS, P.C.

by: /s/John E. Smith
John E. Smith
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of January, 2020, a copy of the foregoing document was served on the following persons by the following means:

1 CM-ECF
 Hand Delivery
 Mail
 Overnight Delivery Service
 Fax
2, 3 E-Mail

1. CLERK, UNITED STATES DISTRICT COURT
2. Kris McLean
3. Clerk of Court, Butte-Silver Bow District Court

By: /s/ John E. Smith
John E. Smith
SMITH & STEPHENS, P.C.
Attorney for Defendant